

SERIAL NO. 09/805,438**DOCKET NO. 1293.1112****REMARKS****INTRODUCTION:**

In accordance with the foregoing, the specification has been amended to correctly refer to the mirror file as element 13 instead of as element 50 in order to be consistent with the description in FIG. 1, claims 1, 22, 26, 31, 34, 36, 38, 40, 42, 46, 48, 50, and 52 have been amended without narrowing the scope of the claims as would have been understood by one of ordinary skill in the art. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-63 are pending and under consideration. Reconsideration is requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response because:

(1) the amendments of claims 1, 22, 26, 31, 34, 36, 38, 40, 42, 46, 48, 50, and 52 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised at least as compared to a search conducted for at least depending claims 2, 3, 5, and 6; and

(2) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REQUEST FOR ACKNOWLEDGEMENT:

On page 1 of the Office Action, the Examiner has not acknowledged the claim for domestic priority U.S. Provisional Application No. 60/195,472. As such, it is respectfully requested that the Examiner acknowledge these items.

SERIAL NO. 09/805,438**DOCKET NO. 1293.1112****REJECTION UNDER 35 U.S.C. §102:**

In the Office Action at pages 2-5, the Examiner rejects claims 1, 22, 26, 29, 31, 34, 36, 38, 40, 42, 46, and 52 under 35 U.S.C. §102 in view of MULTIREAD2: TEST PLAN FOR MULTIREAD2 (Optical Storage Technology Association)(Rev. 1.0) (hereinafter referred to as "OSTA"). This rejection is respectfully traversed and reconsideration is requested.

On page 2 of the Office Action, the Examiner asserts that Section 1.3 and pages 6-13 of OSTA teaches generating test information including defect management information, and verifying the test information as recited in claim 1. On page 9 of the Office Action, the Examiner clarifies that DMA information is generated on a test disc in order to test a drive since a test disc DMA information area has to be formed during manufacture, initialization, or re-initialization. However, even assuming arguendo that the Examiner is correct, it is respectfully submitted that OSTA does not suggest comparing the generated DMA information using data patterns.

By way of review, claim 1 recites, among other features, "generating test information, the test information comprising defect management information which is generated after performing initialization with certification on a test disc obtained by making known physical defects on a blank disc" and "verifying the test information including the defect management information using reference test information for the initialization with certification to provide a test result."

In contrast and as discussed with the Examiner in the interview, OSTA teaches testing the logical sectors of a data zone of a test disc (2.6 GB DVD-RAMs) to determine whether a MultiRead 2 device under test properly reads the logical sector numbers (LSNs) found in tables 3 through 8. If the LSNs are properly read, the device under test will produce a data pattern matching Data Pattern A as specified in Section 2.3. However, since the LSNs used in the comparison are from the data zone, there is no suggestion that the DMA information from one of the DMA1 through DMA4 is compared against a pattern. (Pages 5-11, Tables 1 and 2, of OSTA). As such, while OSTA suggests reading LSNs from the data zone, there is no suggestion that the test includes zones other than the Data Zone, the PDL and SDL described in Section 2.4 are utilized in the test process set forth in Section 1.3, the test process in Section 1.3 also reads the Lead-In Zone or the Lead-out Zone to determine if the DMAs 1 through 4 match Data Pattern A or any other pattern, or the Data Pattern A relates to defect management information of DMAs 1 through 4.

As such, it is respectfully submitted that OSTA does not disclose or suggest, among other features, "generating test information, the test information comprising defect management information which is generated after performing initialization with certification on a test disc obtained by making known physical defects on a blank disc" and "verifying the test information

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including the defect management information using reference test information for the initialization with certification to provide a test result" as recited in claim 1.

For similar reasons, it is respectfully submitted that OSTA does not disclose or suggest the invention recited in claims 22, 26, 31, 34, 36, 38, 40, 42, 46, and 52.

Claim 29 is deemed patentable due at least to its depending from claim 26.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action at page 6, the Examiner rejects claim 4 under 35 U.S.C. §103 in view of OSTA and Kato (U.S. Patent No. 6,601,201). This rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that the Examiner's construction of Kato is correct, the Examiner does not rely upon Kato to cure the above noted defect of OSTA as applied to claim 1, from which claim 4 depends. Therefore, it is respectfully submitted that the combination of OSTA and Kato does not disclose or suggest the invention recited in claim 4.

In the Office Action at pages 6-7, the Examiner rejects claim 15 under 35 U.S.C. §103 in view of OSTA and Fujii (U.S. Patent No. 6,119,239). This rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that the Examiner's construction of Fujii is correct, the Examiner does not rely upon Fujii to cure the above noted defect of OSTA as applied to claim 1, from which claim 15 depends. Therefore, it is respectfully submitted that the combination of OSTA and Kato does not disclose or suggest the invention recited in claim 15.

In the Office Action at pages 7-8, the Examiner rejects claims 48 and 50 under 35 U.S.C. §103 in view of OSTA and Lenny (U.S. Patent No. 6,467,054). This rejection is respectfully traversed and reconsideration is requested.

Among other features, the Examiner relies upon Lenny as teaching a controller 19 which is capable of controlling a storage device 14, executes self diagnostic tests, and provides the test results to the host 12. On page 10 of the Office Action, the Examiner clarifies that Lenny is relied upon as disclosing a controller which can be programmed to test a drive, but that OSTA is otherwise relied upon as disclosing the features of claims 48 and 50.

Since OSTA also does not suggest testing defect management information as similarly noted above in relation to the rejection of claim 1, it is respectfully submitted that the combination of OSTA and Lenny does not disclose or suggest, among other features, "a controller to control said light source, said controller being verified to update and generate defect management area (DMA) information" by "comparing the test information, including DMA

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information, with reference test information to determine the verification of the recording and reproducing apparatus" as recited in claim 48.

For similar reasons, it is respectfully submitted that the combination of OSTA and Lenny does not disclose or suggest, among other features, "a controller to control said light source and to update and generate defect management area information after performing initialization with certification on the optical disc so that the defect management information generated by the controller is verified to be compliant with a standard by comparing the defect management information with reference information" as recited in claim 50.

STATUS OF CLAIMS NOT REJECTED:

On page 2 of the Office Action, the Examiner objects to claims 2, 3, 6-14, 16-21, 23-25, 27, 28, 30, 32, 33, 35, 37, 39, 41, 43-45, 47, 49, 51, and 53-63 for depending from rejected claims.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

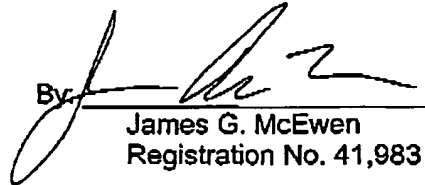
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If there are any additional fees associated with the filing of this Response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450
on 4 August, 2004

STAAS & HALSEY

By: LAUREN E. JENDER

Date: 4 August 2004

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